

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ZEINA MOUSSA,

Plaintiff,

v.

SAFEWAY INC.,

Defendant.

Case No. 2:24-cv-00281-KKE

ORDER REGARDING
SETTLEMENT CONFERENCE ON
APRIL 30, 2025

This matter comes before the Court on the parties' joint request for settlement conference and the Honorable Kymberly K. Evanson's order granting the parties' request, referring this case to the undersigned for settlement purposes. Dkts. 22, 23.

Accordingly, the Court orders as follows:

The parties are directed to appear for a Settlement Conference to be held via Zoom Conference before the United States District Court for the Western District of Washington at Tacoma. The Conference will start at 9:00 AM on April 30, 2025, and will conclude no later than 1:30 PM. The Court will provide the parties with instructions to access the Zoom Conference separately from this Order. The required settlement memoranda, more fully described below, are due no later than 1:30 PM on April 25, 2025.

Persons with ultimate settlement authority must be personally present at the settlement conference or readily available by phone.

1 Participation of parties at the settlement conference is likely to increase the
2 efficiency and effectiveness of the settlement conference. **All parties shall participate**
3 **in the Zoom Conference, and with counsel (if represented).** A request to be exempt
4 from this requirement should be submitted to the Court in writing no later than noon on
5 April 25, 2025. Please address any request to Payal Patel-Marte, Judicial Law Clerk to
6 Magistrate Judge Fricke, at payal_patel@wawd.uscourts.gov. The email subject line
7 should include your case number and "Request for non-appearance of a party."

8 Parties not appearing in person shall be available by phone and email (including
9 the ability to review documents and sign) for the duration of the settlement conference.

10 Any counsel appearing without authority to negotiate, or without the ability to
11 readily contact the person with full and ultimate settlement authority throughout the
12 settlement conference, may be sanctioned.

13 Other people who may increase the probability of settling the case should be
14 present, if possible. For example, the attendance of an expert may be helpful. Counsel
15 assisting the client on related matters may need to be involved. At the very least,
16 contact information should be available for them at the conference.

17 The Court directs plaintiff to make a settlement demand on or before 5:00 PM on
18 April 25, 2025, and defendant is directed to respond to that demand on or before 5:00
19 PM on April 29, 2025.

20 Each party shall provide, **in confidence**, a concise settlement memorandum **no**
21 **longer than ten double spaced pages and which should not include attachments**
22 **or exhibits unless under extraordinary circumstances.** Please do not file these
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1 confidential memoranda with the Clerk's Office or serve the memoranda on opposing
2 party/counsel. Each party's confidential memoranda shall include a brief description of:

- 3 1. any liability disputes;
- 4 2. facts you believe you can prove at trial;
- 5 3. the monetary value at issue in the case;
- 6 4. the major weaknesses in each side's case, both factual and legal;
- 7 5. the history of settlement negotiations thus far;
- 8 6. the party's settlement position;
- 9 7. the major obstacle(s) to settlement as you perceive it;
- 10 8. reference (by docket number) to any pending motions that would have a
11 significant effect on settlement for the Court to review prior to settlement;
- 12 9. special issues that may have a material bearing upon settlement discussions;
13 and
- 14 10. any person(s) (with a description of their position or role) you plan to bring to
15 the settlement conference.

16 In setting forth your settlement position, please do not limit your discussion to
17 arguments on the merits of your case. For the Court and the parties to be successful in
18 the limited time provided for this settlement conference, you should provide the Court
19 with a clear and candid understanding of your and your client's actual evaluation of the
20 interests, value, and monetary aspects that your client is most concerned about in any
21 potential settlement of this case and an idea of terms under which you believe the case
22 should settle.

1 The memorandum shall include the case number, case name, and should be
2 emailed directly to Magistrate Judge Fricke, at: payal_patel@wawd.uscourts.gov. The
3 email subject line should read: “**Confidential – Moussa v. Safeway Inc., - April 25,**
4 **2025– [Defendant/Plaintiff’s name] Settlement Position Paper.**” Do not mail hard
5 copies of the settlement memorandum to chambers.

6 Plaintiff or counsel for defendant may be contacted by the Court to answer
7 questions, clarify issues, and discuss other preliminary matters designed to ensure the
8 conference itself is productive.

9 It is the duty of the parties to notify the Court if trial is continued or if the case is
10 settled or otherwise disposed of prior to the date of the scheduled settlement
11 conference, so that the matter may be removed from the Court’s docket.

12 If either party believes that negotiation attempts would not be fruitful at the time
13 set for the conference for any reason, that party should contact the Court as soon as
14 possible to discuss the concern. The parties are strongly encouraged to engage in
15 preliminary discussions with an eye toward meaningfully narrowing their disputes before
16 appearing for the Conference.

17 The Court expects that each participant will be well-prepared, open-minded, and
18 sincerely interested in achieving settlement.

1 To encourage open communication, the Court orders that all matters
2 communicated in connection with this judicial settlement are confidential and not to be
3 used for any other purpose.

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6 Dated this 14th day of April, 2025.

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10 Theresa L. Fricke
11 United States Magistrate Judge
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